

REMARKS

Claims 49-51 have been added requiring specific stability properties for the claimed compositions. Support for these claims exists throughout the present specification, particularly in the examples. Support for claim 50 exists for at least the reason that 25°C is within the temperature range set forth in examples 1-3.

Claims 1-13 and 15-51 are currently pending.

Initially, Applicants would like to thank the Examiner for her indication that the subject matter of claims 7, 9-11, 30 and 34 is allowable.

The Office Action rejected claims 1-6, 8, 12, 13, 15-20, 22, 23, 29, 31-33 and 35-45 under 35 U.S.C. §102 as anticipated by U.S. patent 3,846,546 ("Lachampt"), claims 1-6, 8, 12, 13, 15-20, 29, 31-33 and 35-39 and 46-48 under 35 U.S.C. §102 as anticipated by U.S. patent 3,860,700 ("Viout"), and claims 21, 24-26 and 28 under 35 U.S.C. §103 as obvious over Lachampt or Viout in view of U.S. patent 4,606,913 ("Aronson") or Poucher's Perfumes, Cosmetics and Soaps ("Knowlton"). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of these rejections.

Both Lachampt and Viout disclose copolymers having an A-B structure, where A can be an unsaturated monomer having 10-20 carbon atoms (Lachampt at col. 3, line 22 et seq. and Viout at col. 3, line 14 et seq.) and B is a polar component. Thus, none of Lachampt's or Viout's individual copolymer units contain a **polyolefinic** group containing at least **40 carbon atoms** as required by the claims. Rather, they contain an olefinic group containing 10-20 carbon atoms. Clearly, neither Lachampt nor Viout disclose the claimed copolymers.

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The Office Action attempts to compensate for this fatal difference between the claimed copolymers and Lachampt's/Viout's copolymers by calculating the amount of A unit present in Lachampt's and Viout's exemplified copolymers based upon the copolymers' molecular weight and concluding that more than 40 carbon atoms must be present. However, the Office Action's calculations miss the point: they merely demonstrate overall concentration of olefinic "A" units containing 10-20 carbon atoms. They do not demonstrate that Lachampt's and Viout's copolymers contain a polyolefinic group containing at least 40 carbon atoms.

Because neither Lachampt nor Viout discloses the claimed copolymers, the rejections under 35 U.S.C. §102 are improper and should be withdrawn.

What's more, neither Aronson nor Knowlton discloses the claimed copolymers and, thus, cannot compensate for Lachampt's and Viout's deficiencies. Accordingly, the rejections under 35 U.S.C. §103 are improper and should be withdrawn as well.

To further demonstrate the novelty and non-obviousness of the invention compositions, Applicants will submit shortly a Rule 132 declaration. The declaration reports that comparative compositions containing succinic surfactants having an apolar component containing 16-18 carbon atoms were prepared. (Rule 132 declaration, par. 3). (This number of carbon atoms corresponds to the number of carbon atoms in the olefinic "A" units of Lachampt's and Viout's copolymers). Neither of the comparative compositions corresponded to the invention compositions for at least the reason that neither composition contained a surfactant containing an apolar component having at least 40 carbon atoms. (Rule 132 declaration, par. 3).

According to the declaration, neither comparative example 1 nor comparative example 2 resulted in a stable water-in-oil (W/O) emulsion. (Rule 132 declaration, par. 4). As demonstrated in photos I-IV attached at Tab A of the declaration, comparative example 1 initially resulted in a heterogeneous emulsion with large oily globules having a viscosity of 10 poises (1 Pa.s). (Rule 132 declaration, par. 4). After three days, streaks had appeared on the inner wall of the container holding comparative example 1. (Rule 132 declaration, par. 4). Also, comparative example 1 had released oils. (Rule 132 declaration, par. 4). Both the streaks on the container wall and the release of oils are signs of emulsion instability. (Rule 132 declaration, par. 4). After one month, the emulsion had become even more heterogenous. (Rule 132 declaration, par. 4). Also, oil release had continued. (Rule 132 declaration, par. 4). The declaration then concludes that based on all of these observations, it is clear that comparative example 1 was not a stable W/O emulsion. (Rule 132 declaration, par. 4).

The declaration then notes that with regard to comparative example 2, it was impossible to prepare an emulsion. (Rule 132 declaration, par. 5). After 5 minutes at ambient temperature, a complete separation of oily and aqueous phases had occurred. (Rule 132 declaration, par. 5). After two hours, completely separate oil and aqueous phases remained. (Rule 132 declaration, par. 5).

The declaration goes on to state that the invention compositions containing an emulsifier of at least one oligomer or one polymer derived from a polyolefin, comprising a polyolefinic apolar component comprising at least 40 carbon atoms and at least one polar component, are stable. (Rule 132 declaration, par. 6). For example, examples 1-3 in the present application disclose such compositions and these compositions form good emulsions

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which are stable for at least 2 months between at least 4 and 45°C. (Rule 132 declaration, par.

6). This difference in stability between the invention compositions and the comparative examples was surprising and unexpected. (Rule 132 declaration, par. 6).

The improved stability characteristics obtained with the claimed surfactants in the examples of the present application are representative of the present invention. (Rule 132 declaration, par. 7). That is, the declarant would expect compositions containing an emulsifier of at least one oligomer or one polymer derived from a polyolefin, comprising a polyolefinic apolar component comprising at least 40 carbon atoms and at least one polar component to possess improved stability characteristics like those of the exemplified invention compositions. (Rule 132 declaration, par. 7).

The difference in stability characteristics between the invention compositions and the comparative compositions demonstrates the surprising and unexpected benefit derived from having the claimed emulsifier comprising a polyolefinic apolar component comprising at least 40 carbon atoms and at least one polar component in the invention compositions. (Rule 132 declaration, par. 8). What's more, the improved stability characteristics associated with the invention compositions are commercially significant: stable emulsions are more commercially viable than unstable emulsions. (Rule 132 declaration, par. 9).

Thus, not only do all of the cited references fail to disclose the claimed copolymers, but Applicants have also submitted further evidence of the novel, unexpected and surprising properties associated with compositions containing the required surfactants. Clearly, the claimed compositions are neither taught nor suggested by the cited art.

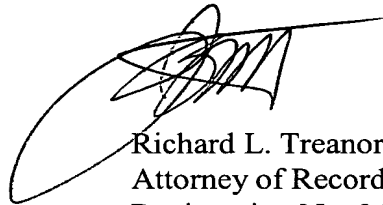
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In view of the above, Applicants respectfully request reconsideration and withdrawal of all pending rejections.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to be 'R. Treanor', is written over a horizontal line.

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